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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 NATH & ASSOCIATES, PLLC,)

12 Plaintiff,)

13 v.)

14 HARTFORD CASUALTY INSURANCE)
15 COMPANY,)

16 Defendant.)
_____)

Civil No. 08cv1567 L(JMA)


**ORDER STRIKING PLAINTIFF'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT [doc. #3]**

17 Plaintiff filed the above-captioned case on August 25, 2008, at which time a summons
18 was issued. On September 19, 2008, plaintiff filed a motion for partial summary judgment. The
19 record does not show that defendant has been served with the summons and complaint.

20 Plaintiff's filing of a dispositive motion is premature and inappropriate when it is filed prior to
21 defendant being served with the complaint and having an opportunity to answer or otherwise
22 respond to the complaint, and prior to the parties engaging in an early neutral evaluation of the
23 case before the magistrate judge. Accordingly, plaintiff's motion for partial summary judgment
24 is **STRICKEN** from the record and the December 8, 2008 motion hearing date is **VACATED**.

25 **IT IS SO ORDERED.**

26 DATED: September 22, 2008

27 
28 M. James Lorenz
United States District Court Judge

1 COPY TO:

2 HON. JAN M. ADLER
3 UNITED STATES MAGISTRATE JUDGE

4 ALL PARTIES/COUNSEL
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